

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1663 of 2018

Arising Out of PS. Case No.-124 Year-2017 Thana- AMAS District- Gaya

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1. Md. Ziyauddin, Son of Late Halimuddin,
 2. Md. Imran Rizwi @ Md. Imran, Son of Late Md. Inamul Haque,
Both are resident of Village- Hemjapur, P.S.- Amas, District- Gaya.
 3. Md. Kamruddin, Son of Faridiuddin, Resident of Village- Hamjapur, P.S.- Amas, District- Gaya.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Javed Jafar Khan
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 17-07-2018

Heard learned counsel for the parties.

This is an appeal under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 13.04.2018 passed by the learned Exclusive Special Judge, SC/ST Act, Gaya, in A.B.P. No.75 of 2018, arising out of Amas Police Station Case No.124 of 2017 registered under Sections 323, 341, 354, 379, 427, 504, 506/34 of the Indian Penal Code and Section 3(i)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

A proceeding under Section 144 of the Criminal Procedure Code was there between the parties for land dispute vide *Annexure-2*.



In the aforesaid background, allegation is that the appellants forbid the informant to construct a house on the referred land and for that reason occurrence of abuse and assault allegedly took place.

Considering the bona fide land dispute between the parties, chances of mala fide prosecution cannot be ruled out. Hence let the appellants, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with the aforesaid case, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellants shall fully co-operate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bonds of the appellants.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

abhishek/-

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CAV DATE	
Uploading Date	
Transmission Date	

